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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,742	10/12/2001	John Chandler-Pepelnjak	AA-20	2213
25917 7590 12/28/2006 LANGLOTZ PATENT WORKS, INC. PO BOX 759 GENOA, NV 89411			EXAMINER VAN BRAMER, JOHN W	
			ART UNIT	PAPER NUMBER
			3622	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/28/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 09/976,742	Applicant(s) CHANDLER-PEPELNJAK ET AL.	
	Examiner John Van Bramer	Art Unit 3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 4 and 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 4 recites "wherein collecting data about a user population size for the websites includes demographic information". However, the scope of the "user population size" in Claim 1, from which Claim 4 and 5 depend, is simply a numerical figure that does not include any type of demographic information. The examiner suggests amending Claim 1 to include an additional collection step such as: "Collecting data regarding the demographics of the websites users". Additionally, Claim 4 indicates that the "demographic information" is "for the web site". Claim 5, then indicates that the "demographic information" includes at least one of "age, sex, income, parental status, and geographic location. This is indefinite because the demographic information for a web site could include data regarding age of the website or geographic location of the website servers and/or geographic location of the company that owns the website, but would not include parental status or sex. The examiner, given the scope of Claim 5, has interpreted Claim 4 to mean: collecting

demographic information of the web site's users. The examiner suggests amending Claim 4, in order to distinctly claim the intended scope of the claim.

3. Claims 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 6 recites "collecting data about the duplication of visits among the websites, such that individual users visiting more that one site are not counted as separate users". However, Claim 1 from which it depends only gathers anonymous information and a population size. Therefore, it is unclear how individual users are being identified in order to perform the step claimed in Claim 6.

4. Claim 8 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. While Claim 1 from which Claim 8 depends does gather frequency data of user visits, the examiner is unable to determine the intended scope of the applicant's claimed "typical user". Is it possible for all user's to be "typical users" or is there an unclaimed frequency characteristic which is used to describe a "typical user"? The examiner suggests amending Claim 8 to narrowly define the metes and bounds intended by the term "typical user" by claiming the frequency characteristics of a "typical user".

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

6. Claims 1-21 are rejected under 35 U.S.C. 102(a) as being anticipated by Cannon. (“Addressing New Media with Conventional Media Planning”, Journal of Interactive Advertising, Feb 1, 2001, pgs 1-36).

Claim 1: Cannon discloses a method of predicting the performance of an Internet advertising campaign comprising:

- a. Collecting anonymous web-surfing data during the serving of Internet advertisements to determine a frequency characteristic of user visits for a set of web sites on which advertising is to be served. (Page 17, exhibit 4; Page 20, line 23- Page 21, line 15; Page 23, line 22 through Page 24, line 13; and Page 24, line 14 through Page 25, line 7)
- b. Collecting data about user population size for the web sites. (Page 17, exhibit 4; Page 20, line 23- Page 21, line 15; Page 23, line 22 through Page 24, line 13; and Page 24, line 14 through Page 25, line 7)

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- c. Selecting a number of impressions to be served at each web site. (Page 17, exhibit 4; Page 20, line 23- Page 21, line 15; Page 23, line 22 through Page 24, line 13; and Page 24, line 14 through Page 25, line 7)
- d. Calculating a gross rating point ratio by dividing the number of impressions by the number of total users in the market. (Page 17, exhibit 4; Page 20, line 23- Page 21, line 15; Page 23, line 22 through Page 24, line 13; and Page 24, line 14 through Page 25, line 7)
- e. Calculating a reach value estimating the number of users expected to be reached by an advertisement. (Page 17, exhibit 4; Page 20, line 23- Page 21, line 15; Page 23, line 22 through Page 24, line 13; and Page 24, line 14 through Page 25, line 7)

Claim 2: Cannon discloses the method of claim 1 including calculating a targeted rating point ratio by dividing the number of impressions by the number of total users in a limited demographic market segment. (Page 17, exhibit 4; Page 20, line 23- Page 21, line 15; Page 23, line 22 through Page 24, line 13; and Page 24, line 14 through Page 25, line 7)

Claim 3: Cannon discloses the method of claim 1 including selecting a demographic set to be targeted. (Page 13, Fig 3; Page 13, lines 8-17; and Page 14, line 8 through page 15, line 13)

Claim 4: Cannon discloses the method of claim 1 wherein collecting data about user population size for the web sites includes collecting demographic information for the web sites. (Page 13, Fig 3; Page 13, lines 8-17; and Page 14, line 8 through page 15, line 13)

Claim 5: Cannon discloses the method of claim 4 wherein the demographic information includes at least one characteristic selected from a set of characteristics including: age, sex, income, parental status, and geographic location. (Page 13, Fig 3; Page 13, lines 8-17; and Page 14, line 8 through page 15, line 13)

Claim 6: Cannon discloses the method of claim 1 including collecting data about the duplication of visits among the web sites, such that individual users visiting more than one site are not counted as separate users. (Page 2, lines 6-20; Page 18, lines 8-17; and Page 23, line 22 through Page 24, line 13)

Claim 7: Cannon discloses the method of claim 1 wherein determining a frequency distribution includes determining what number of impressions must be served to reach a selected number of users. (Page 2, lines 6-20; Page 18, lines 8-17; and Page 23, line 22 through Page 24, line 13)

Claim 8: Cannon discloses the method of claim 1 wherein determining a frequency distribution includes determining a propensity to saturation based on the number of

visits to the site by a typical user in a selected time interval. (Page 23, line 22 through Page 24, line 18)

Claim 9: Cannon discloses the method of claim 1 wherein determining a frequency distribution includes determining a propensity to saturation based on the number of visitors to the site during a selected time interval. (Page 23, line 22 through Page 24, line 18)

Claim 10: Cannon discloses the method of claim 1 wherein determining a frequency characteristic includes grouping users into subgroups based on the percentage of impressions served to each subgroup, then simulating the service of a selected number of simulated advertisements by randomly assigning each simulated advertisement to a user. (Page 23, line 22 through Page 24, line 18)

Claim 11: Cannon discloses the method of claim 10 wherein randomly assigning each simulated advertisement includes assigning each advertisement to a subgroup by a weighting function of the percentage of impressions served to that subgroup. (Page 23, line 22 through Page 24, line 18)

Claim 12: Cannon discloses the method of claim 11 including randomly assigning a simulated advertisement to a user member of the subgroup to which the simulated advertisement was served. (Page 23, line 22 through Page 24, line 18)

Claim 13: Cannon discloses the method of claim 10 wherein calculating a reach value includes determining the number of users to which at least a selected number of simulated advertisements were served. (Page 14, lines 1-18)

Claim 14: Cannon discloses the method of claim 10 wherein there are M users are grouped into N subgroups, wherein the first subgroup includes the M/N users to whom the most impressions were served, and each subsequent subgroup includes the M/N users to whom the most impressions were served of the remaining users. (Page 23, line 22 through Page 24, line 18)

Claim 15: Cannon discloses the method of claim 10 including proportionally allocating the total number of simulated advertisements to be served to the subgroups based on the number of impressions served to that subgroup. (Page 23, line 22 through Page 24, line 18)

Claim 16: Cannon discloses a method of predicting the performance of an Internet advertising campaign comprising:

- a. Collecting anonymous web-surfing data during the serving of past Internet advertisements to determine the number of impressions served to each user visiting a selected site during a selected interval. (Page 17, exhibit 4; Page 20,

line 23- Page 21, line 15; Page 23, line 22 through Page 24, line 13; and Page 24, line 14 through Page 25, line 7)

- b. Grouping the users into subgroups based on the percentage of impressions served to each subgroup. (Page 17, exhibit 4; Page 20, line 23- Page 21, line 15; Page 23, line 22 through Page 24, line 13; and Page 24, line 14 through Page 25, line 7)
- c. Simulating the service of a selected number of simulated advertisements by randomly assigning each simulated advertisement to a user based on the number of impressions served. (Page 17, exhibit 4; Page 20, line 23- Page 21, line 15; Page 23, line 22 through Page 24, line 13; and Page 24, line 14 through Page 25, line 7)
- d. Calculating a projected reach value by determining the number of users to which at least a selected number of simulated advertisements were served. (Page 17, exhibit 4; Page 20, line 23- Page 21, line 15; Page 23, line 22 through Page 24, line 13; and Page 24, line 14 through Page 25, line 7)

Claim 17: Cannon discloses the method of claim 16 wherein randomly assigning each simulated advertisement includes assigning each advertisement to a subgroup by a weighting function of the percentage of impressions served to that subgroup. (Page 23, line 22 through Page 24, line 18)

Claim 18: Cannon discloses the method of claim 17 including randomly assigning

a simulated advertisement to a user member of the subgroup to which the simulated advertisement was served. (Page 23, line 22 through Page 24, line 18)

Claim 19: Cannon discloses the method of claim 16 wherein there are M users are grouped into N subgroups, wherein the first subgroup includes the M/N users to whom the most impressions were served, and each subsequent subgroup includes the M/N users to whom the most impressions were served of the remaining users. (Page 23, line 22 through Page 24, line 18)

Claim 20: Cannon discloses the method of claim 16 including proportionally allocating the total number of simulated advertisements to be served to the subgroups based on the number of impressions served to that subgroup. (Page 23, line 22 through Page 24, line 18)

Claim 21: Cannon discloses the method of claim 16 including determining a target reach by limiting the users to a selected demographic subgroup of the users. (Page 13, Fig 3; Page 13, lines 8-17; and Page 14, line 8 through page 15, line 13)

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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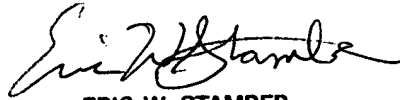
- a. Cannon (U.S. Patent Number: 6,029,176) discloses the use of user data to design an advertising campaign.
 - b. Leckenby et al. (Using Reach/Frequency for Web Media Planning, Journal of Advertising Research, 1998) discloses using old and well-known media planning techniques that have been used for television, radio, and print advertising campaigns, in a web based environment.
 - c. Lin et al. (PGPUB: 2001/0034637 A1) discloses the use of predicting traffic on internet websties.
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Van Bramer whose telephone number is (571) 272-8198. The examiner can normally be reached on 6am - 4pm Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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